



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK NJ 08933-7003

COPY MAILED

JUL 24 2008

OFFICE OF PETITIONS

| | | |
|----------------------------------|---|-------------|
| In re Application of | : | |
| Govari, Assaf | : | |
| Application No. 10/807,979 | : | ON PETITION |
| Filed: March 24, 2004 | : | |
| Attorney Docket No. BIO-5044USNP | : | |

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed July 8, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely reply within the meaning of 37 CFR 1.113 to the final Office action mailed November 19, 2007, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were timely obtained. Accordingly, the application became abandoned on February 20, 2008. A Notice of Abandonment was mailed June 24, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the Notice of Appeal, Appeal Brief and Information Disclosure Statement (IDS), (2) the petition fee, and (3) a proper statement of unintentional delay.

Petitioner requested a five (5) month extension of time. An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). The maximum extendable period for reply to a final Office action is six (6) months from the mailing date of the Office Action. Since the \$2,230.00 extension of time fee submitted with the petition on July 8, 2008 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to Technology Center 3739 for further examination on the merits.

Liana Walsh
Petitions Examiner
Office of Petitions